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September 2, 2004

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ALL OTHERS LIMITED TO FEDERAL COURTS  
AND AGENCIES

Commissioner of Patents  
U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, **MS Reissue**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Re: Communication Regarding Receipt of Protest  
Appl. No.: 10/811,793  
Filed: March 29, 2004  
Title: **Treatment of Migraine Headache**  
Inventor(s): Plachetka, *et al.*  
Atty. Dkt.: 7569/80993

Dear Sir:

The following documents are being forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Communication Regarding Receipt of Protest; and
2. Return postcard.

**Applicants do not believe that any fee is due for the filing of this document. However, the Director is hereby authorized to charge any fee deficiency with respect to this filing and any other fee required in connection with the present case, or credit any overpayment, to our Deposit Account No. 06-1135 under Order No. 7569/80993.**

Commissioner for Patents  
September 2, 2004  
Page 2

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive style with a large, stylized 'M' and a long, sweeping underline.

Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

MAS:ct  
Enclosures



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re reissue patent application of:

Plachetka, *et al.*

Appl. No.: 10/811,793

(For reissue of Patent No.: 6,479,551)

Filed: March 29, 2004

For: **Treatment of Migraine Headache**

Art Unit: 1616

Examiner: To be assigned  
(Formerly F. Choi)

Atty. Dkt.: 7569/80993

**Communication Regarding Receipt of Protest**

Commissioner of Patents  
U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, **MS Reissue**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

On August 23, 2004, Applicants received a Protest Under 37 C.F.R. § 1.291(a) for the above-noted reissue application. After careful review, Applicants do not believe that the arguments made in the Protest or the art cited should affect the patentability of the pending claims. Nevertheless, to the extent that the Examiner believes that it may be helpful, Applicants would welcome the opportunity to respond to the comments made in the Protest and respectfully request that they be given an opportunity to do so. Applicants also request that they be granted an interview prior to the first Office Action to discuss any issues that may exist regarding patentability.

The Protest is directed to the attention of Bruce Kisliuk. Applicants are not aware that Mr. Kisliuk is involved in the handling of this case. However, if the Examiner thinks that it may be useful, Applicants request an opportunity to discuss any issues with Mr. Kisliuk as well.

If, in the opinion of the Examiner, a phone call may help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (202) 419-7013.

Respectfully submitted,

By: 

Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

Date: September 1, 2004  
1801 K St., NW, Suite 401L  
Washington, DC 20006  
(202)419-7013